

December 4, 1935

Miss Grace M. Sparkes, Member  
Arizona Board of Public Welfare  
407 Heard Building  
Phoenix, Arizona

Dear Miss Sparkes:

This will acknowledge receipt of your letter of November 30, 1935, requesting the opinion of the Attorney General upon the question therein propounded, which is, briefly, may the State Welfare Board turn back the administration of the indigent fund to the different Boards of Supervisors with their consent.

Chapter 35, Session Laws of Arizona, 1933, makes no express provision for such a transfer back to the Board of Supervisors. However, Section 10 of said chapter by inference would, in my opinion, authorize such a transfer by the mutual consent of the Public Welfare Board and the Board of Supervisors of any particular county at the end of any fiscal year.

Said section provides in part as follows, to-wit:

"\* \* The respective Boards of Supervisors and the State Board of Public Welfare shall meet in joint session on or before the 15th day of July in each year and estimate the amounts that may be required to meet the expense of the care and maintenance of the indigent, sick and dependent poor of the county during the ensuing year; \* \*"

The above quoted provision clearly indicates, to my mind, a new agreement being made each year by the joint consent of both parties, and I can find no provision of the law which would prevent this transfer back to a county at any other time of the year, provided the State Welfare Board and the Board of Supervisors should so desire.

I am mailing a copy of this opinion to Florence M. Warner, Secretary of your organization, for her information.

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Miss Grace M. Sparkes

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Yours very truly,

JOHN L. SULLIVAN  
Attorney General

A. I. WINSETT  
Assistant Attorney  
General